

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL A. CISNEROS,

Petitioner,

v.

TRENT ALLEN

Respondent.

Case No. [20-cv-07861-HSG](#)

**ORDER DENYING REQUEST FOR  
CERTIFICATE OF APPEALABILITY**


Re: Dkt. No. 49

On February 9, 2022, the Court dismissed this petition for a writ of habeas corpus as procedurally defaulted, denied a certificate of appealability, and granted judgment in favor of Respondent.<sup>1</sup> Dkt. Nos. 32, 33. Now pending before the Court is Petitioner's request for a certificate of appealability. Dkt. No. 49. Petitioner's request for a certificate of appealability is DENIED for the reasons set forth in the Court's February 9, 2022 order (Dkt. No. 32). Petitioner may submit a request for a certificate of appealability directly to the Ninth Circuit Court of Appeals. Fed. R. App. P. 22(b)(1).

This order terminates Dkt. No. 49.

**IT IS SO ORDERED.**

Dated: 6/14/2022

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge

<sup>1</sup> The Clerk of the Court is directed to substitute Warden Trent Allen in place of the previously named respondent because Warden Allen is Petitioner's current custodian. *See Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir.), *as amended* (May 8, 1996) (rules governing relief under 28 U.S.C. § 2254 require person in custody pursuant to judgment of state court to name state officer having custody of him as respondent); *Stanley v. Cal. Sup. Ct.*, 21 F.3d 359, 360 (9th Cir. 1994) (respondent in habeas petition typically is warden of facility in which petitioner is incarcerated).